

REMARKS

Claims 1-3 and 55-63 are pending in this application, claims 1-3 and 55 of which stand rejected, and claims 56-63 of which have been withdrawn from consideration. Based on the foregoing amendments and following remarks, entry of this amendment, and reconsideration and allowance of this application is respectfully requested.

Withdrawn Claims

Claims 56-63 have been withdrawn from consideration as being directed to a non-elected invention. Because independent claim 1 is generic to claims 56-59, and independent claim 55 is generic to claims 60-63, Applicant requests consideration and allowance of claims 56-63 should claims 1 and 55 be found allowable.

Claim Rejections-35 U.S.C. §103

Claims 1-3 and 55 stand rejected under 35 U.S.C. §103, as being obvious over U.S. Patent No. 5,698,807 (“Massie”). Applicant respectfully traverses this rejection, since Massie does not disclose the combination of elements required by these claims, as amended.

Although Applicant disagrees that there is any suggestion to incorporate a microphone within the device of Massie, or to transform the Massie device into a hearing aid worn in or on a user’s ear, Applicant has amended independent claim 1 to clarify that the signal processing algorithm contained within the hearing aid addresses a hearing impairment. Thus, the claimed invention is clearly distinguished from the Massie device, which, in contrast, uses a signal processing algorithm that corrects the pitch in recorded sounds.

Although the Examiner stated that the limitations of independent claim 55 are inherent in the structure of Massie, independent claim 55 has not been amended, because there are a multitude of

elements that are not inherent in the Massie structure. To the extent that the Examiner believes otherwise, he is requested to point out the structure in Massie that inherently performs the claim 55 limitations.

Thus, Applicant submits that independent claim 1-3 and 55 are not obvious over Massie, and as such, respectfully request withdrawal of the rejections of these claims.

Conclusion

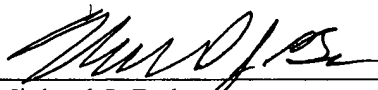
Based on the foregoing, it is believed that, with entry of this amendment, all claims are allowable, and thus, a Notice of Allowance is respectfully requested. If the Examiner has any questions or comments regarding this amendment, the Examiner is respectfully requested to contact the undersigned at (714) 830-0600.

Respectfully submitted,

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